

IN PIMA COUNTY SUPERIOR COURT

FILED  
GARY L. HARRISON  
CLERK, SUPERIOR COURT  
2019 JAN -7 AM 9:03

AFFIDAVIT FOR SEARCH WARRANT

**19SW0033**

DNW/ANDELL, DEPUTY

YOUR AFFIANT, **Special Agent Cullen Conerly**, A PEACE OFFICER IN THE STATE OF ARIZONA AND EMPLOYED BY THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, BEING FIRST DULY SWORN, UPON OATH, DESPOSES AND SAYS:

That or about the 1st day of November 2018, a public offense in violation of Arizona Revised Statutes:

- A.R.S. 13-1003, Conspiracy, a class 2 felony,
- A.R.S. 13-2312, Illegally Conducting an Enterprise, a class 3 felony,
- A.R.S. 13-3407(A)(2), Possession of a Dangerous Drug for Sale, a class 2 felony,

was or is being committed in the County of Pima, State of Arizona.

YOUR AFFIANT (has probable cause to believe) that:

{X} on the person(s) of:

- Eric Ernesto LOPEZ, DOB 06/25/1974, 6'2", 240 pounds, Black hair, Brown eyes, SSN [REDACTED]-4513

{X} in and upon the premises (including all buildings, structures, rooms, equipment, and vehicles used in connection or located within the curtilage of said premises) known and described as:

- 1571 East Petaluma Lane, Tucson, Arizona 85756 is a white mobile home single story residence. The front door faces South and the numbers "1571" are affixed to a black security gate in white block-style lettering. The black security gate is attached to large orange concrete blocks on both sides of the gate. The residence has a silver colored chain link fence approximately five feet in height surrounding it along with multiple saguaro cacti inside the fenced in yard. The residence is located on the North side of

East Petaluma Lane and is the second residence to the West from South Penrose Lane.

**\*SEE ATTACHMENT B\***

{ } in vehicle(s) described as:

there is certain person (s), property or things

{X} is the subject of an outstanding arrest warrant and/or is wanted for the above mentioned charges

{ } Which are stolen or embezzled

{X} Which were used as means for committing a public offense

{X} Which are being possessed with intent to use as a means of committing a public offense

{ } Which are in the possession of to whom it was delivered for the purpose of concealing it or preventing it from being discovered

{X} which consists of any item or constitutes any evidence which tends to show that a public offense has been committed such as being more fully described in the affidavit.

That said property or things are described as follows:

**"SEE ATTACHMENT A"**

That the following facts establish probable cause for believing that grounds for the issuance of a search warrant for the aforementioned items/persons exists:

Since January, 2018, Special Agents from the Drug Enforcement Administration Sierra Vista Resident Office have been working a joint investigation with the Cochise County Sheriff's Office and the Arizona Department of Public Safety (DPS). On October 22, 2018, agents obtained Pima County Superior Court Order 18-WT-0001 authorizing the interception of wire communications to and from (520) 262-5584 (Target Telephone Four or TT-4) used by Francisco OSORIO-Nava. OSORIO-Nava was

identified as a methamphetamine, heroin, and fentanyl pill source of supply operating out of Tucson, Arizona.

On November 1, 2018, at approximately 2:24 p.m., reference TT-4 call session 196, OSORIO-Nava received an incoming call from phone number (520) 370-9775. Agents are aware that OSORIO-Nava frequently referred to the user of (520) 370-9775 as, "PANCHO" and agents later identified PANCHO to be Eric LOPEZ. During the call, LOPEZ asked OSORIO-Nava for two of the big ones. OSORIO-Nava asked LOPEZ if he was willing to pay "two" for each one, to which LOPEZ replied that he would have to ask a third party individual to see if the price was good before calling OSORIO-Nava back.

On the same date, at approximately 2:29 p.m., reference TT-4 call session 197, LOPEZ called OSORIO-Nava and negotiated to pay "39" for the "two" and agreed to meet in 45 minutes at Bilby and Old Nogales where LOPEZ told OSORIO-Nava the third-party purchaser had a store there. On the same date, at approximately 3:10 p.m., agents established surveillance in the vicinity of the "Smoke Shop," located at 6134 South Nogales Highway, Tucson, Arizona 85706. At approximately 3:21 p.m., agents observed a white Honda Civic and dark colored Toyota Corolla arrive. OSORIO-Nava and Fabian CASTRO-Lopez exited the Civic and Corolla and then met with LOPEZ, who was already parked at the Smoke Shop and stepped out of a third vehicle. OSORIO-Nava, CASTRO-Lopez, and LOPEZ then walked together from the parking lot and into the Smoke Shop. Agents obtained photographs of OSORIO-Nava, CASTRO-Lopez, and LOPEZ meeting near their vehicles before entering the Smoke Shop.

On November 7, 2018, OSORIO-Nava and CASTRO-Lopez were arrested subsequent to a traffic stop by DPS in the vicinity of Davis Rd. south of Ruthrauff Rd. in Tucson, Arizona. DPS Troopers located approximately one pound of crystal methamphetamine underneath the front passenger seat of the white Honda Civic, bearing Arizona license plate CHK2650, driven by CASTRO-Lopez and occupied by OSORIO-Nava in the front passenger seat. Following the arrest of OSORIO-Nava and CASTRO-Lopez, DEA and DPS executed Pima County Superior Court Warrant No. 18SW1757 at a suspected

stash house used by CASTRO-Lopez and OSORIO-Nava located at 1111 W St. Mary's Rd. Apartment 715. Inside the apartment investigators located approximately 1500 fentanyl pills, 3.7 pounds of heroin, 3.6 pounds of methamphetamine, .88 pounds of cocaine, and \$8,800 United States Currency. Investigators also located approximately 114 pages of drug ledgers which included, "PANCHO" listed on many of the ledgers dating back to May, 2018, with amounts ranging from hundreds to thousands of dollars per transaction. Investigators then conducted a post-arrest interview of OSORIO-Nava at the DPS station in Tucson, Arizona. During the post-arrest interview, OSORIO-Nava stated that he recently sold two pounds of methamphetamine to an associate he knows as "PANCHO" and stated that PANCHO's real name is Eric LOPEZ. OSORIO-Nava stated that LOPEZ brokered a two pound methamphetamine transaction with a heavyset white male working in the Smoke Shop for \$3,900. OSORIO-Nava also confirmed that LOPEZ rented the apartment where OSORIO-Nava and CASTRO-Lopez lived at the Ridgpointe Apartments, located at 6001 E Pima Rd., Tucson, Arizona 85712 apartment 109.

During the course of the investigation, agents installed a Global Positioning System (GPS) tracking device on the white Honda Civic and black Toyota Corollas used by OSORIO-Nava and CASTRO-Lopez. The GPS tracker was installed on the white Honda Civic during the timeframe of September 7, 2018, through the time of the traffic stop by DPS on November 7, 2018. The GPS tracker data showed the white Honda Civic made stops at 1571 East Petaluma Ln., Tucson, Arizona 85756 on September 7, September 29, October 10, October 16, October 20, and October 22. 1571 East Petaluma Ln. is the address listed on LOPEZ's Arizona driver's license. The duration of the white Honda Civic's stops at 1571 East Petaluma Ln. lasted anywhere from approximately six minutes to 35 minutes per visit. However, near the end of October, OSORIO-Nava began using a black Toyota Corolla, bearing Arizona license plate CJN9537. On October 30, 2018, reference TT-4 call session 146, OSORIO-Nava placed an outgoing call to LOPEZ. During the call, OSORIO-Nava stated that he has been going to LOPEZ's residence nearly every day but has not been able to reach LOPEZ. LOPEZ said he was on his way back to his house and OSORIO-Nava agreed to meet LOPEZ at the house. Investigators were not able to install a GPS tracker on the black Toyota Corolla until the early morning hours of October 31, 2018.

On October 31, 2018, the GPS tracker data indicated the black Toyota Corolla was at 1571 East Petaluma Ln. from approximately 4:20 p.m. through 4:46 p.m.

On September 27, 2018, agents previously submitted administrative subpoena KL-18-991424 to the Ridgpointe Apartments, located at 6001 East Pima, Tucson, Arizona 85712, requesting the rental records for apartment 109. The rental application for apartment 109 indicated the apartment was rented by Eric LOPEZ with a date of birth of 06/25/1974 and Arizona driver's license B10333030. The rental application also showed LOPEZ's current address as 1111 W St. Mary's Road and a previous address of 5655 South Bonney Ave., both of which are locations known to be frequented by OSORIO-Nava.

On December 31, 2018, at approximately 2:08 p.m., your Affiant established surveillance in the vicinity of 1571 East Petaluma Lane, Tucson, AZ. Upon arrival, your Affiant observed Eric LOPEZ open the front gate of the residence located at 1571 East Petaluma Lane, Tucson, AZ. Shortly after, your Affiant observed a dark colored sedan exit the residence and LOPEZ entered the vehicle and departed the area.

Your Affiant knows, from prior training and experience in investigating drug crimes, that the aforementioned facts and circumstances show that LOPEZ is actively engaged in the sales of methamphetamine and was an essential component of a drug trafficking conspiracy involving OSORIO-Nava and CASTRO-Lopez. Further, your Affiant knows that a person who sells methamphetamine typically is engaged in the sales or use of other illicit drugs, to include but not limited to Marijuana, Cocaine, and/or Heroin. Further, your Affiant knows that persons who engage in illegal sales or use of illegal drugs often possess firearms in which are utilized to protect their drugs and proceeds from persons who wish to forcefully steal from the drug dealer. Your Affiant knows that two pounds is a "for sale" amount and OSORIO-Nava admitted to working with LOPEZ to sell two pounds of methamphetamine to a Smoke Shop employee.

**19SW0033**

Your Affiant believes there is just and probable cause that LOPEZ possesses items of evidentiary value inside 1571 East Petaluma Ln., Tucson, Arizona as listed above, that proves he is indeed engaged in the sales of methamphetamine. Your Affiant believes that LOPEZ currently resides at 1571 East Petaluma Ln. and that there will be additional information pertaining to LOPEZ's involvement in the Transnational Criminal Organization (TCO) involving LOPEZ, OSORIO-Nava, and CASTRO-Lopez inside the residence. Your Affiant further knows that "fronting" is a common practice that drug dealers use to move their product and receive money at a later time, and the drug ledgers containing LOPEZ's nickname, "PANCHO," further show that LOPEZ was involved in the fronting of thousands of dollars worth of product.

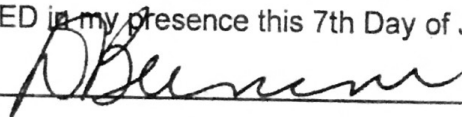
Your Affiant requests a daytime warrant be granted for Eric LOPEZ DOB 06/25/1974, 1571 East Petaluma Ln., Tucson, Arizona 85756, and all buildings and vehicles found within the curtilage of the property. Your Affiant requests a search warrant be issued commanding a search be made of the persons, premises, buildings, and vehicles described herein for the property, persons and things herein described, and the same be retained in the custody of the Affiant or in the custody of the agency which the Affiant represents and disposed of according to law, pursuant to A.R.S. 13-3920.



Special Agent Cullen Conerly

Peace Officer for the State of Arizona

SWORN TO AND SUBSCRIBED in my presence this 7th Day of January, 2019



Honorable Judge Deborah Bernini

Pima County Superior Court